

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PROGRESS RAIL SERVICES CORP.

Plaintiff,

v.

GEORGIA SOUTHWESTERN
RAILROAD INC.,

Defendant.

*
*
*
*
*
*
*
*
*

Case No. 2:07-cv-509-MEF

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW, PLAINTIFF, PROGRESS RAIL SERVICES CORP., by and through undersigned counsel, and gives notice to the Court, pursuant to Rule 41(a)(i) of the *Federal Rules of Civil Procedure*, that the above matter is due to be dismissed.

1. The Defendant was served, but has not filed an Answer.
2. Pursuant to Rule 41 (a)(i), Plaintiff would dismiss the case given the resolution of the claims presented by Plaintiff against Defendant.

Wherefore, the premises considered, counsel prays that the Court dismiss the complaint by way of voluntary dismissal.

Respectfully submitted,

s/ John P. Browning

FORREST S. LATTA (LATTF0526)

JOHN P. BROWNING (BROWJ6884)

Attorneys for Plaintiff

OF COUNSEL:

BOWRON, LATTA & WASDEN, PC
Post Office Box 16046
Mobile, AL 36616

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the Defendant via Alafile electronic document filing system, and/or by placing same in the United States mail, postage prepaid and properly addressed on this the 16th day of August, 2007.

Defendant Georgia Southwestern Railroad, Inc.
By and through its registered agent
CORPORATION PROCESS COMPANY
180 Cherokee Street NE
Marietta, GA 30060

s/ John P. Browning
COUNSEL